

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**BRANDON PAZ**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:24CV11-LG-RPM**

**MASTEC NORTH  
AMERICA, INC.;  
DAMION ROBINSON;  
and FICTITIOUS  
DEFENDANTS A-Z**

**DEFENDANTS**

**ORDER TO SHOW CAUSE WHY PLAINTIFF'S CLAIMS AGAINST  
FICTITIOUS DEFENDANTS A-Z SHOULD NOT BE  
DISMISSED FOR FAILURE TO PROSECUTE**

Plaintiff Brandon Paz sued Damion Robinson and his employer, Mastec North America, alleging that Robinson caused a motor vehicle accident in which Plaintiff suffered severe injuries. Plaintiff also sued “fictitious defendants A-Z.” The Complaint was filed on January 12, 2024. Plaintiff has not yet filed a motion to amend the Complaint to name the fictitious defendants, and the deadline for seeking leave to amend expired on May 22, 2024. [16].

This Court has authority under Fed. R. Civ. P. 41(b), as well as inherent authority, to dismiss “any claim,” sua sponte, for failure to prosecute and failure to comply with orders of the Court. Fed. R. Civ. P. 41(b); *see also McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988). Such a “sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars” of the Court. *Link v. Wabash R. Co.*, 370 U.S. 626, 629–30 (1962).

Plaintiff is ordered to show cause on or before November 12, 2024, why his claims against “fictitious defendants A-Z” should not be dismissed. In the alternative, he may file a stipulation of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) or a motion to voluntarily dismiss the fictitious defendants pursuant to Fed. R. Civ. P. 41(a)(2).

**IT IS THEREFORE ORDERED AND ADJUDGED** that Plaintiff must file a response demonstrating why his claims against “fictitious defendants A-Z” should not be dismissed or seek voluntary dismissal of the fictitious defendants on or before **November 12, 2024**.

**SO ORDERED AND ADJUDGED** this the 5th day of November, 2024.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.  
United States District Judge